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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,463	09/30/2003	Andrew Jarabek	PAT 2515-2-US	5553
26123	7590	08/09/2007	EXAMINER	
BORDEN LADNER GERVAIS LLP			HAN, CLEMENCE S	
WORLD EXCHANGE PLAZA			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/675,463	JARABEK ET AL.
	Examiner	Art Unit
	Clemence Han	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 September 2003.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "pointer" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 58 in

Figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show pointer offset '522' and pointer offset '492' in Figure 4 as described in the specification page 10 line 9-10. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

4. The disclosure is objected to because of the following informalities: There are typographical errors in page 7 line 7. "read access generator 24" should be replaced with "read address generator 24" (See figure 3). Appropriate correction is required.

*Claim Objections*

5. Claim 1 is objected to because of the following informalities: "a high-order" in line 2 should be replaced with "high-order". See claim 11 line 5 and claim 19 line 4 for similar limitations. Appropriate correction is required.

6. Claim 3 is objected to because of the following informalities: "adjusting" in line 1 should be replaced with "said adjusting". Appropriate correction is required.

7. Claim 6 is objected to because of the following informalities: "providing" in line 1 should be replaced with "said providing". Appropriate correction is required.

8. Claim 7 is objected to because of the following informalities: "adjusting" in line 1 should be replaced with "said adjusting". Appropriate correction is required.

9. Claim 9 is objected to because of the following informalities: “adjusting” in line 1 should be replaced with “said adjusting”. Appropriate correction is required.

10. Claim 16 is objected to because of the following informalities: “a provisioning bit” in line 3 should be replaced with “the provisioning bit”. See claim 6 line 2 for similar limitations. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claim 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Regarding claim 1, 11 and 19, the phrase “output associated with a memory”, for example claim 1 line 6, renders the claim indefinite because it is unclear what it means. It is also unclear whether it is the same as the received data, for example claim 1 line 2.

14. Claim 1, 11 and 19 recites the limitation “the high-order and low-order outputs”, for example claim 1 line 9. There is insufficient antecedent basis for this limitation in the claim.

15. Regarding claim 5, the phrase "adjusting" in line 2 renders the claim indefinite because it is unclear whether it is the same as “adjusting” in claim 1 line 8 or not.

16. Regarding claim 9 and 18, the phrase "not adjusting the pointer when the provisioning bit is not set", for example claim 9 line 3 renders the claim indefinite because it is unclear whether it is a typographical error or not. The double negative in the limitation makes it similar to the limitation in claim 7 and 17, respectively and also the specification discloses "adjusting the pointer when the provisioning bit is not set" in page 9 line 15-17.

***Claim Rejections - 35 USC § 102***

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. Claim 1-6, 11-16 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Baydar et al. (US 5,717,693).

Regarding claim 1, 11 and 19, Baydar teaches a method for managing latency comprising: receiving data from a high-order synchronous transport module (STM) and synchronous transport signal (STS) sources and low-order tributary unit (TU) and virtual tributary (VT) sources (Column 6 Line 28-31); providing a provisioning bit for each output associated with a memory (Column 7 Line 10-12); and adjusting a pointer for the low-order sources based on the provisioning bit such that the high-order and low-order outputs are synchronized (Column 7 Line 8-9).

Regarding claim 2 and 12, Baydar teaches determining an adjustment for the pointer based on a predetermined delay (Column 3 Line 56-65).

Regarding claim 3, 13 and 20, Baydar teaches adjusting the pointer includes adjusting the pointer by a predetermined number of time slots (Column 3 Line 56-65).

Regarding claim 4 and 14, Baydar teaches assembling synchronized outputs from the memory (Column 7 Line 8-9).

Regarding claim 5, 15 and 21, Baydar teaches adjusting the pointer to synchronize the output of the high-order and low-order sources, wherein the high-order sources incur less delay to pass through the memory than low-order sources (Column 3 Line 56-65).

Regarding claim 6, 16 and 22, Baydar teaches a provisioning bit includes storing the provisioning bit in a connection memory (Column 6 Line 40-45).

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 7-10, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baydar et al..

Regarding claim 7-10, 17 and 18, Baydar teaches a method for managing latency comprising: receiving data from a high-order synchronous transport module (STM) and

synchronous transport signal (STS) sources and low-order tributary unit (TU) and virtual tributary (VT) sources (Column 6 Line 28-31); providing a provisioning bit for each output associated with a memory (Column 7 Line 10-12); and adjusting a pointer for the low-order sources based on the provisioning bit such that the high-order and low-order outputs are synchronized (Column 7 Line 8-9). Baydar, however, does not teach exact details on how to adjusting the pointer based on whether the provisioning bit is set or not set. It would have been obvious to one skilled in the art to modify Baydar to adjust the pointer based on whether the provisioning bit is set or not as claimed in order to accommodate different design choice.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*C. H.*

Clemence Han  
Examiner  
Art Unit 2616



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